

**“DORSEY
COERCED
JURY BY
FEAR OF
MOB
VIOLENCE”**

So Declares Attorney
Reuben

R. Arnold, Who Was
Still

Speaking When Court
Ad-

journed at 12:30
o’Clock

“CONLEY
PROTECTED BY
SOLICITOR,” ARNOLD
SAYS

With additional excoriation of the solicitor general, Hugh M. Dorsey, for his methods in conducting the state’s case at the trial of Leo M. Frank for the murder of Mary Phagan, and with additional attacks upon the evidence which the state marshalled against Frank to secure his conviction, Attorney R. R. Arnold, of

counsel for Frank, occupied the morning session Monday of the new trial hearing in Frank's behalf before Judge L. S. Roan.

Mr. Arnold began his speech about noon last Friday, and spoke at the Friday afternoon session again, and continued at both sessions of the court Saturday. When adjournment was taken for lunch, at 12:30 o'clock Monday afternoon, Mr. Arnold said that with about fifteen minutes more at the afternoon session to begin at 2 o'clock he would finish his speech.

After Mr. Arnold concludes, Attorney Frank Hooper, who assisted Solicitor Dorsey in prosecuting Frank, will have his turn with the argument, presenting the state's side for the first time at the present hearing. He will occupy not more than a couple of hours, he said Monday morning. Solicitor Dorsey will follow him. Attorney Luther Z. Rosser, of counsel for the defense, will conclude the case with his own argument. Mr. Arnold has devoted almost his entire attention to the evidence produced by the state. It is expected that Mr. Rosser will confine his argument to fine law points upon which the defense asks a new trial.

The defense informed the newspaper men that it had been notified of the mailing from the Pacific coast of copies of several newspapers out there which carried, under date of October 10, accounts furnished by a news agency, not the Associated Press, or the execution of Leo M. Frank in Atlanta for the murder of Mary Phagan.

WILBURN TRIAL.

Mr. Arnold opened his speech by calling attention to the Wilburn trial, finished the other day in Georgia.

"That shows how we treat our own boys when they are on trial," said he. He went into a detailed description of the charge against Wilburn, and declared if the crime itself has anything to do with the feeling against a man on trial, in that case certainly there would have been a great prejudice against Wilburn, for the crime with which he was charged was hideous enough. Yet when the verdict was returned in that case, there was not a murmur in

the court, not a cheer. People on the streets expressed their sorrow that it had been necessary to find the man guilty and sentence him to the death penalty. That was a very commendable and proper attitude. It was due to the fact that Wilburn was not an alien, but one of our own farmer boys.

“I wonder, if they had had against him not his own confession but only the statement of a dirty negro crook like Conley with only strained facts to corroborate it, how long it would have taken the same jury to turn him loose. It would have taken just about a moment. They wouldn’t have gone out of the box to reach a verdict.”

He referred to the fact that the indictment against Frank was returned without Conley’s statement. “They didn’t have a bit of evidence. They didn’t wait to get any. They showed by their act in pressing that bill of indictment that they were going after Frank to get him, regardless. That is the spirit in which the whole case has been conducted.”

CHARACTER EVIDENCE.

Mr. Arnold commented upon the perversion charges against Frank. He said a great many people take the attitude that whether Frank is guilty or not, he certainly is a pervert and little consideration should be shown to him. “They

(Continued on Last Page, Col. Two.)

PDF PAGE 16, COLUMN 2

**“DORSEY
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(Continued From Page 1.)

don't take into consideration that Conley is the only one who makes that charge and that he is not corroborated by anything or anybody. The crime was an unnatural one, and it is easy enough to suppose the detectives asked questions which suggested to Conley the idea of charging Frank with perversion. He was quick to seize the idea as he was to seize all of their suggestions.”

Mr. Arnold took up at length the charges against Frank's character and declared that the solicitor was manifestly unfair in the way he questioned the witnesses for the defense. He referred to the Druid Hills incident, not introduced at the trial, saying that the policeman who believed he saw a man like Frank in Druid Hills with a girl identified a young lawyer of Atlanta at police headquarters as the man whom he thought he saw there.

DORSEY UNFAIR, HE SAYS.

He referred to a recent mistrial declared by an Atlanta judge when a witness in a damage suit said that the defendant told him to go ahead and sue because he, the owner of the automobile,

was protected by insurance. The judge in that case realized, said he, the effect of such unfair questions upon the jury as Mr. Dorsey asked by the dozen in the Frank trial. He said that Mr. Dorsey's statement that he was not four-flushing but had the witnesses there to prove his charges, was so manifestly unfair as in itself to give sufficient ground for a new trial.

Mr. Arnold scored what he termed a loose rule of law which allows people who never have seen a defendant to testify against his character and reputation on hearsay. He attacked the incident of the indignant mother with a monkey wrench menacing Frank, and declared "there was not one iota of truth in that."

"The jury was taking sound, and not sense, in this case," said he. He declared that Mr. Dorsey was taking an unfair advantage in asking such questions. He declared that he could answer every fact which Mr. Dorsey claims to be corroborative of Conley's testimony, "to the satisfaction of any man with a grain of sense or an atom of fairness." He replied at length and in detail to that portion of Mr. Dorsey's speech in which the solicitor told the jury that Conley was corroborated abundantly.

CONLEY NOT CORROBORATED.

Mr. Dorsey claimed that Dalton corroborated Conley, said Mr. Arnold. Mr. Arnold denied it, but said he would have been glad to have Dalton corroborate the negro, as "we would like to see these two characters together." He said that the state's whole case is a fabrication "built upon statements of crooks and freaks."

He cited Mr. Dorsey's claim that Minola McKnight's repudiated affidavit sustained Conley. That affidavit, said he, proved the defense's charge that the state fabricated its case. "No man can tell how many outrages were perpetrated to get testimony against Frank."

He referred to Mr. Dorsey's statement that Frank's own statement corroborated Conley in certain portions. Mr. Arnold declared that the state already had Frank's statement when they

started to fix up Conley's story. "Of course they made it fit in," said he.

He said that the defense made a minute examination of Conley's recorded statement, and that 92 times during that statement Conley used the phrase "I did." The solicitor's contention that Conley said "I done," and that therefore the notes which he admitted writing, and which used "did," were dictated by a white man, was refuted by this, said Mr. Arnold.

CONLEY PROTECTED.

Mr. Arnold said that never before had he witnessed such a spectacle as the solicitors' efforts to protect Conley both in and out of court. "During the trial, Dorsey took Conley on his shoulders and carried him through. The solicitor general is a state officer and a quasi-judicial officer and should conduct himself accordingly." He coerced the jury, said Mr. Arnold, by holding before it the fear of mob violence. He showed a perfect contempt, said Mr. Arnold, for the rulings of the court.

Mr. Arnold said that at the trial he himself couldn't speak his opinions before the jury as he can now before the judge. He never saw such means and methods as the solicitor used, employed before to convict a man.

"I don't believe anything like it could occur in our community," said he. "The newspapers have tried to report the case with justice to everybody, but great injustice was done to the defendant by remarks that were whispered around. I have read in history of imaginary crimes for which Jews were persecuted in the old days in England and Germany and other countries. But I never had come face to face with religious persecution until I met it in this case. I never saw such playing to the prejudices nor such underhand and unfair work.

"The state's whole case reminded me of a man dining at a friend's house and missing his overcoat after the meal. Next day he finds his friend's butler on the street wearing the overcoat, and has the butler arrested. Then the butler pleads that his master

gave the coat to him. In this case the notes were the overcoat. They were the stolen goods. They were found on Conley. He was caught with the goods. Then he tried to shove the blame on to Frank.”

Mr. Arnold scored the solicitor for his famous remark at the trial: “I tell you here and now that unless there is some more evidence produced against Jim Conley you will have to get another solicitor general if you want to indict Jim Conley for the crime that Leo M. Frank committed. If this be treason, make the most of it.”

Mr. Arnold asserted that a fair minded solicitor would have indicted both men and let both of them be tried. “There is a mountain of evidence on Jim Conley, and a mole hill on Frank, yet Mr. Dorsey lets Conley pull himself out from under by his own uncorroborated statement. Mr. Dorsey is elected by the people. He thought they were on his side when he made that statement. It was a great play to the grandstand when he said wealth could not sway him, influence could not move him; ‘I will protect this innocent negro.’

CRIME TO BE RESPECTABLE.

“In these days when we elect everybody from dogcatcher on up; it is getting to be a crime to own a little property and be respectable. I don’t know what we are coming to. This has resulted in the conviction of some innocent men and the acquittal of a good many innocent ones. It works both ways. I believe in the people, but I believe in their ultimate final sans judgment, not in their passions.”

He read a portion of the solicitor’s speech in which Mr. Dorsey declared that he did not want the good opinion of the lawyers for the defense that if he had it, he would doubt his own self respect. “It’s all right to jump on the lawyers,” said Mr. Arnold. “We all know it’s always a good play to the hoi polloi.”

Mr. Arnold began reading over the affidavits charging bias against Juror A. H. Hensle, and in connection with them read the affidavit with which Henslee replied, making comments on them.

He said that under rulings of the supreme court it is up to the judge, when charges of bias are made against a juror after a trial and are denied, to weigh the issue so made and decide it. The trial judge's decision on that issue of, fact will not be reviewed by the supreme court, said he. The decision is up to the judge in just the same manner as it would be if the charge had been brought when the juror was about to be impaneled; then the judge would be called upon to declare finally whether the juror was qualified or disqualified.

He made much of the state's admission that Henslee must have been in Albany on the day when deponents swear he was there and showed bias against Frank; and his admission that he was in Sparta on the day when other deponents there claim to have talked to him.

Attorney Rosser, who had been examining the order book, submitted as an exhibit with Henslee's affidavit, interrupted to remark that it looked to him as if the book had been written all at one sitting. Mr. Rosser said further that he could not see that it showed Henslee to have been in Sparta on the day he said he was there.

Court adjourned for lunch at 12:30 o'clock. Mr. Rosser said that he had about 15 minutes more to speak.

PDF PAGE 5, COLUMN 5

JUDGE HILL OPENS

COURT NEXT MONDAY

New Appointee to Fulton Bench Presides for First time at Monday Session

Judge Ben H. Hill, newly appointed to the Fulton Superior bench, will hold court for the first time in his new capacity during the week beginning next Monday.

He has instructed Sheriff Mangum to draw a jury for him, and to be in readiness to hold court Monday. He will take up the criminal docket, and will have about 125 jail cases to try.

PDF PAGE 5, COLUMN 5

BEAVERS RETURNS FROM BIRMINGHAM LECTURE

Chief of Police James L. Beavers returned this morning from Birmingham, where he and Marion Jackson addressed a men's meeting at a Birmingham theater Sunday afternoon. The meeting was under the auspices of the Y. M. C. A.

The chief was enthusiastic over his reception and the spirit with which Birmingham has taken up the vice war.

"The large theater was jammed," he said, "and they mean business over there. They will never regret it, be assured of that."

Chief of Police Bodeker of Birmingham was the host and Chief Beavers and Mrs. Beavers were delightfully entertained by him.
